

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANDREW COLBY LIVINGSTON,
#02209959

v.

TERESA WARD


§
§ Civil Action No. 4:20-CV-474
§ (Judge Schell/Judge Nowak)
§
§
§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636 (Dkt. #2). On June 4, 2021, the report of the Magistrate Judge (Dkt. #36) was entered containing proposed findings of fact and recommendations that *pro se* Petitioner Andrew Colby Livingston's claims (Dkt. #1) should be dismissed. On April 15, 2021, this case was transferred to the undersigned (Dkt. #28). The transfer of this action to the undersigned did not withdraw the referral of this matter to the Magistrate Judge (Dkt. #2-1 at p. 1). Accordingly, the Magistrate Judge properly entered the report and recommendation containing the proposed findings of fact and recommendations considered herein. The Plaintiff's motion to recuse Magistrate Judge Nowak (Dkt. #43) on the basis that the transfer of this case to the undersigned subsequently withdrew the reference of this case to the Magistrate Judge lacks merit and is **DENIED**. The court received the report of the Magistrate Judge and the Plaintiff's objections thereto (Dkt. #43). Having conducted a *de novo* review of the Plaintiff's objections, the court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court.

It is therefore **ORDERED** that *pro se* Petitioner Andrew Colby Livingston's claims are **DISMISSED**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this the 5th day of August, 2021.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE